

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KATHLEEN HAMILTON, individually, and as Administrator and Personal Representative of the Estate of ROBERT HAMILTON, deceased	: : : : :	
Plaintiff,	:	
v.	:	Case No. 2:24-cv-07184-JS-ARL
BOAR'S HEAD PROVISIONS CO., INC.	:	
Defendant.	:	ORDER APPROVING SETTLEMENT

Upon reading the Joint Petition for Approval of Wrongful Death Settlement, the Affidavit of Plaintiff KATHLEEN HAMILTON dated 17th Day of March 2025, the Affidavit of SUZANNE GARDNER dated 17th Day of March 2025, and the Affirmation of William D. Marler, counsel for Plaintiff, dated 26th Day of March 2025, and it appearing that the best interests of KATHLEEN HAMILTON, individually, and as Administrator and Personal Representative of the Estate of ROBERT HAMILTON, deceased and SUZANNE GARDNER as Trustee of the Irrevocable Trust of ROBERT HAMILTON and KATHLEEN HAMILTON will be served, it is,

ORDERED, that KATHLEEN HAMILTON, individually, and as Administrator and Personal Representative of the Estate of ROBERT HAMILTON, deceased, and SUZANNE GARDNER as Trustee of the Irrevocable Trust of ROBERT HAMILTON and KATHLEEN HAMILTON be and hereby is authorized and empowered to enter a settlement of the cause of action herein for the sum of four million (\$4,000,000.00) DOLLARS upon the following terms:

The settlement proceeds shall be distributed as follows:

1. The settlement proceeds shall be distributed as follows:

a. Total Attorneys' Fees (reduced to 25%):	\$1,000,000.00
i) Marler and Clark, Inc., P.S. (MC) :	\$750,000.00
ii) Heisman Nunes & Hull LLP (HNH):	\$250,000.00
b. MC past litigation expenses:	\$11,866.91
c. HNH past litigation expenses:	\$605.00
d. Reimbursement for Medical Expenses	\$15,394.08
e. Net Amount to KATHLEEN HAMILTON, individually, and as the Administrator and as Personal Representative of the Estate of ROBERT HAMILTON and SUZANNE GARDNER as Trustee of the Irrevocable Trust of ROBERT HAMILTON and KATHLEEN HAMILTON	\$2,972,134.01

ORDERED, that an allocation of 75% of that amount toward Plaintiff KATHLEEN HAMILTON's individual claim and 25% to the Estate of ROBERT HAMILTON and therefore ultimately to the Irrevocable Trust of ROBERT HAMILTON and KATHLEEN HAMILTON is a fair and just amount for settlement of all potential claims against Defendant, and that all sums set forth herein constitute damages on account of personal physical injuries or physical sickness, within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended.

ORDERED, that conditioned upon the compliance with the terms of this order, that KATHLEEN HAMILTON, individually, and as Administrator and Personal Representative of the Estate of ROBERT HAMILTON, deceased, and SUZANNE GARDNER as Trustee of the Irrevocable Trust of ROBERT HAMILTON and KATHLEEN HAMILTON be and hereby is authorized and empowered to execute and deliver a General Release and any other instruments necessary to effectuate the settlement herein, and that the filing of a bond is hereby waived.

IT IS FURTHER ORDERED: The Clerk of Court is directed to unseal ECF Nos. 30 and 31.

Signed and dated at Central Islip, New York this 12th day of May, 2025.

/s/ JOANNA SEYBERT

HONORABLE Joanna Seybert, U.S.D.J.